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12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
15

16 PHILIPS LIGHTING NORTH
AMERICA CORPORATION and
17 PHILIPS LIGHTING HOLDING B.V.

18 Plaintiffs and
Counterclaim-
19 Defendants,

20 v.

21 DECO ENTERPRISES, INC. (d/b/a
DECO LIGHTING),

22 Defendant and
23 Counterclaim-
Plaintiff.
24

CASE NO. 2:17-cv-04995-R-AGR

Judge: Hon. Manuel L. Real

Magistrate: Hon. Alicia G. Rosenberg

**STIPULATION REGARDING
ENTRY OF PROPOSED ORDER
FOR THE PRODUCTION OF
CERTAIN LICENSE
AGREEMENTS**

Complaint Filed: April 12, 2017

Trial Date: None Set

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14 Attorneys for Plaintiffs and Counterclaim
15 Defendants Philips Lighting North America
Corporation; and Philips Lighting Holding B.V.
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1 WHEREAS Defendant Deco Enterprises, Inc. (“Deco”) has requested that
2 Plaintiffs Philips Lighting North America Corporation and Philips Holding B.V.
3 (collectively, “Philips Lighting”) produce “All license agreements concerning the
4 Patents-In-Suit or the Related Applications and Patents.” In addition, Deco asked in
5 its Interrogatory No. 1 that Philips Lighting “Describe the licenses (and offers to
6 license) concerning the Patents-in-Suit or the Related Applications and Patents by,
7 without limitation and for each license (or offer), identifying the date of the license
8 (or offer), identifying the parties involved, identifying the patents and products,
9 describing the payment terms and payments made, and identifying all documents
10 relating to, and persons knowledgeable about, the license (or offer to license)”;

11 WHEREAS Philips Lighting represents that it possesses “Category 1” license
12 agreements which require a Protective (Confidentiality) Order in place and a Court
13 Order requiring the production of those agreements for disclosure to a third party,
14 and “Category 2” license agreements, which require more than a Protective
15 (Confidentiality) Order in place and a Court Order before they are produced;

16 WHEREAS counsel for Deco (Kyle Mooney) and counsel for Philips
17 Lighting (Greg Ellis and Jeremy Oczek) conferred via telephone on September 21,
18 2017 and via email thereafter to discuss the most efficient expedited production of
19 certain license agreements and agreed the parties could consent to a Court Order in
20 order facilitate the expedited production of certain license agreements from Philips
21 without burdening the Court with motion practice;

22 WHEREAS Philips Lighting is willing to expedite the production
23 of approximately 750 “Category 1” license agreements (under the “Confidential
24 Attorneys Eyes Only” designation pursuant to the parties’ agreed-upon Protective
25 Order governing confidentiality) in response to the discovery requests from Deco
26 (although Philips Lighting’s responses and objections to Deco’s discovery requests
27 are not due until October 16, 2017), but states that it requires the entry of a Court
28 Order directing the production of those agreements given certain contractual

1 obligations in addition to entry of the Protective Order (Dkt. 41) submitted by the
2 Parties for approval and entry by the Court;

3 WHEREAS Deco is agreeable to Philips Lighting's expedited production of
4 the Category 1 license agreements, but expressly reserves its right to continue to
5 pursue production of the other Philips Lighting license agreements (including
6 Category 2 license agreements) and to move to compel those other license
7 agreements as appropriate, and Deco acknowledges that Philips Lighting expressly
8 reserves its rights and objections thereto; and

9 WHEREAS counsel for Deco and Philips Lighting have approved this
10 Stipulation and the Proposed Order submitted herewith.

11 NOW THEREFORE, Deco and Philips Lighting agree that Philips Lighting
12 shall produce "Category 1" license agreements to Deco, subject to the terms of the
13 Protective Order in this Action (Dkt. 41) once approved and entered by the Court,
14 and subject to the entry of a Court Order in the form of the Proposed Order
15 submitted herewith.

1 DATED: October 10, 2017

Respectfully Submitted,

2 MORRISON & FOERSTER LLP
3 NICOLE M. SMITH
4 KYLE W.K. MOONEY

5
6 By: /s/ Nicole M. Smith

7 *ATTORNEYS FOR DEFENDANT AND*
8 *COUNTERCLAIM PLAINTIFF*
9 *Deco Enterprises, Inc. (d/b/a Deco Lighting)*

10 DATED: October 10, 2017

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15 JONATHAN L. GRAY

16 By: /s/ Jeremy P. Oczech

17 *ATTORNEYS FOR PLAINTIFFS AND*
18 *COUNTERCLAIM DEFENDANTS*
19 *Philips Lighting North America Corporation*
20 *and Philips Lighting Holding B.V.*

21 **ATTESTATION REGARDING ELECTRONICALLY FILED SIGNATURE**

22 Pursuant to L.R. 5-4.3.4(a)(2), I hereby attest that all other signatories listed,
23 and on whose behalf the filing is submitted, concur in the filing's content and have
24 authorized the filing herein.

25 Dated: October 10, 2017

26 By: /s/ Nicole M. Smith